

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION


SECURITIES AND EXCHANGE)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
MATTHEW KOPSKY, et al.,)
)
Defendants.)

Case No. 4:07CV379 RWS

MEMORANDUM AND ORDER

This matter is before me on defendants' motion in limine to exclude an e-mail referred to by the parties as the "5:09 e-mail." This motion will be denied as meritless. Defendants have presented no basis to exclude this relevant evidence. That it may constitute circumstantial evidence is not a proper basis to exclude the evidence. Defendants may argue to the jury the appropriate weight to be afforded the evidence, but I cannot exclude it from the jury's consideration. Accordingly,

IT IS HEREBY ORDERED that the motion in limine filed by defendants [#106] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2008.